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## SPAIN AND THE UNITED STATES IN 1795

"SPAIN," says Henry Adams, "had immense influence over the United States; but it was the influence of the whale over its captors—the charm of a huge, helpless and profitable victim."<sup>1</sup> The simile may serve to illustrate the temporary interest which the people of the United States have felt from time to time in the condition of the Spanish empire, but it wholly fails to represent either the real relations of the two countries, or the point of view from which the historian must contemplate their development during the past one hundred and forty years. Throughout that period it is profoundly true that events in Spain have exercised, as they are now exercising, an immense though intermittent influence upon our life. The motives which have shaped the policy of that nation—the causes which have operated upon the acts of her rulers—are well worthy of painstaking study by those who would truly comprehend the history of the United States, and much patient enquiry is still needful before all the forces and all the springs of action are laid bare. Even when the facts are fully known, many things will doubtless remain obscure, for no foreigner may ever hope quite to grasp the workings of the Spanish mind.

It is the purpose of this article to suggest, in the most general way, the manner in which and the extent to which the course of events in Spain affected the early settlement and growth of that part of the United States which lies east of the Mississippi and west of the Alleghanies—a region now embracing ten states, and inhabited by some twenty-five millions of people.

The disputed title to this vast and fruitful *Hinterland* had caused a long and world-wide and bloody war, which was terminated by the cession to Great Britain of the whole of North America east of the Mississippi, except only the island of New Orleans. New Orleans and what lay west of the great river was ceded to Spain. And thus Spain and England, representing then as now the extremes of opposing tendencies in European civilization, were set face to face to solve the problems of this continent. It was the Latin race against the Anglo-Saxon, autocracy against liberalism, reaction against progress, darkness against light.

<sup>1</sup> *History of the United States*, I. 340.

The territorial arrangements of 1763, so delicately adjusted for Europe, Asia and America, and which had been intended to secure a firm and lasting peace forever, were rudely disturbed thirteen years later by the revolt of the British North American colonies. France saw in that great event chiefly an opportunity of crippling her ancient enemy. In Spain it awakened hopes of regaining Gibraltar and of consolidating and extending her American possessions. The policy of both France and Spain was purely selfish. There was, indeed, in the former country some popular sentiment in favor of America; but neither love for British colonists nor approval of revolutionary movements, were motives which influenced in the smallest degree the cabinets of Versailles or of Madrid.

Spain was particularly reluctant to favor the American cause. It was only at the repeated and urgent solicitation of France, and after a futile attempt at mediation with England, that she consented to join in the contest. Even then, she fought solely for her own advantage, and the fear of her treachery to the common cause constantly hampered the French diplomacy. Moreover, while Spain enlisted as an enemy to Great Britain, she never became an ally of the United States. Not only did she carefully abstain from acknowledging our independence, but she was in some sense distinctly hostile, and this for reasons which were not then very clearly apprehended.

The moral influence of a successful colonial revolt was no doubt dreaded by the rulers of the nation which then possessed the greatest colonies of the world; but a far more efficient motive of hostility was the desire to perpetuate her settled commercial policy. For nearly three centuries Spain had adhered to the principle of prohibiting any trade whatever between her colonies and foreign countries. Other nations adopted a like policy, but Spain carried it to extremes. She regulated the colonial trade from the Peninsula in the minutest details. The number of ships was limited. The composition of their cargoes and the time of their sailing was prescribed. A single home port enjoyed a monopoly of the business. And all foreigners were rigidly excluded from the colonies. Japan herself was scarcely more hostile to external influence.

The inevitable result of this system was to encourage the wealth and enterprise of other nations to engage in a contraband trade with the Spanish colonies, until—like blockade-running from the Bahamas in 1864—the trade came to be conducted upon orderly principles and rose to the level of a reputable commercial business. It would have required a sincere abandonment of most cherished traditions to deal effectively with a condition of affairs in which law-

breaking was made so profitable and so respectable ; but of this the Spanish statesmen of that day were not capable. Instead, they regretfully temporized. Monopolies were partially given up and trade to some of the colonies was thrown open by degrees to all Spanish merchants. But even as late as 1778 the annual fleet of plate ships sailed for Vera Cruz.

Thus in 1779, when Spain at last declared war against Great Britain, the old order was passing away, although it still remained an open question whether any further concessions would be needed. The answer to that question depended upon the control of the Gulf of Mexico and the Caribbean Sea. It was only since the English had possessed the Floridas that any reforms whatever had been required, and if the English could only be excluded from those seas, it was felt in Madrid that unwelcome changes might yet be avoided. The steady growth of the contraband trade quite failed to convince the Spanish government that a permanent blockade of the coasts of two continents was impracticable. Their increasing effort was only to make it more effective, and it was believed that one important step was the acquisition of outlying foreign possessions, so as to keep foreigners at a distance both by land and sea. More and more the policy of isolation from foreign influences—spiritual, literary or mercantile—tended to become the last word of Spanish colonial statesmanship.

Florida Blanca, the Spanish prime minister, always kept these objects steadily in mind. The treaty of April 12, 1779, between France and Spain, which bound the latter to declare war against England, explicitly laid down the ends which His Catholic Majesty expected to attain by prosecuting the war. They were :

1. The restoration of Gibraltar.
2. The cession of Mobile.
3. The restoration of Pensacola and East Florida.
4. The expulsion of the English from Honduras.
5. The revocation of the privilege granted to the English of cutting dye-wood on the coast of Campeche.
6. The restoration of Minorca.

The conversion of the Gulf of Mexico into a Spanish lake was therefore the cardinal principle of the Spanish government in all dealings affecting the United States. And this principle necessarily carried with it the corollary that the Mississippi River must be closed to all foreign commerce. No such right of joint navigation as Great Britain enjoyed under the treaty of 1763 was to be tolerated. "With some degree of warmth" Florida Blanca declared to John Jay in 1780 that unless Spain could exclude all nations from

the Gulf of Mexico, she might as well admit all, and that for this reason the King would never relinquish the navigation of the Mississippi. He himself, he added, regarded that as the principal object to be attained by the war with England. If that were but secured, he should be perfectly easy whether or no Spain obtained any other cession. He regarded it as far more important than the acquisition of Gibraltar.<sup>1</sup>

The tenacity with which Spain clung to these views was not understood by Americans. The colonists who had revolted against the selfish and grasping colonial policy of Great Britain were the last people in the world to see with the eyes of those who were endeavoring to perpetuate a far more odious system. Gouverneur Morris, almost alone among American statesmen, comprehended the Spanish motives. "The only reason the Spaniards had for withholding the navigation of the Mississippi River was from the apprehension of a contraband trade," was his remark years afterwards,<sup>2</sup> for even Morris, clear-sighted as he was, did not perceive this at first. The French authorities also, although with far better means of knowledge, only grasped by degrees the full extent of the Spanish purposes. In sending their first diplomatic agent to the United States, the French government attempted to explain the conditions upon which Spain would probably enter the alliance: "There is reason to believe," said Vergennes, "that she would wish to acquire the Floridas, a share in the Newfoundland fisheries, and Jamaica."<sup>3</sup> There was no hint here of closing the Mississippi. Nor was the omission due to any aversion on the part of France to such a policy. On the contrary, as soon as the Spanish demands were made known, the French representatives in America were quite ready to urge upon Congress—often with more zeal than discretion—the importance of yielding everything that was asked.

However, the close of the Revolutionary War came and found nothing settled. The Spanish forces had seized the little British posts along the Mississippi, and at Pensacola and Mobile, and to that extent they had strengthened their position in the negotiations for peace. But they had never recognized the independence of the United States. Jay, after a residence of more than two years in Madrid, had accomplished nothing. He had only carried away with him a promise that instructions for framing a treaty should be sent to the Spanish ambassador in France, and immediately on reaching Paris, he had made an attempt to renew the negotiation ;

<sup>1</sup> *Diplomatic Corr. of the Amer. Rev.* (ed. 1889), IV. 146.

<sup>2</sup> *Diary, &c., of Gouverneur Morris*, I. 347.

<sup>3</sup> Instructions to Gerard, March 29, 1778. Doniol, III. 155.

but he there found new obstacles, to which the attitude of the French government now plainly contributed.

The fact was that the efforts of that court had for a long time been directed towards getting into their own hands the control of the peace negotiations, and they believed themselves to have succeeded. Spain was certain to be amenable. Congress had instructed its commissioners not to insist on the boundaries which had at first been treated as indispensable—not to undertake anything without the knowledge and concurrence of the French government—and ultimately to be governed by their advice and opinion. Even then, the task of the French Foreign Office was full of complications. The treaty of 1778 with the United States had bound France not to lay down her arms until the independence of the United States had been secured. On the other hand, by the treaty of 1779 with Spain, France had agreed that no peace should be concluded until Gibraltar was restored. The problem, therefore, was to secure such terms of peace from Great Britain as should satisfy both the United States and Spain, and yet leave something for France. So far as concerned the United States, independence was the only thing bargained for. The question of the boundaries and the question of the Newfoundland fisheries were matters upon which the treaty of alliance was silent, and the ministers of Louis XVI. felt themselves free to trade away these purely American interests. Spain very probably could not secure Gibraltar; but in her anxiety to close the Mississippi she might be induced to forego Gibraltar if she could be assured a liberal extension of the boundaries of Louisiana to the eastward. Great Britain must, of course, expect to lose her revolted colonies. If, however, the treaty of peace were so framed as to exclude the United States from a share in the fisheries, and were to provide for an expansion of the boundaries of Canada, England might in return be willing to grant the numerous concessions which France was anxious to obtain for herself in the East and West Indies, at Dunkirk and in Senegal.

The plan for sacrificing the United States had long been under consideration, and was now worked out in detail. The boundaries of Canada were to be extended so as to include the whole region west of the present state of Pennsylvania and north of the Ohio; while the country south of the Ohio, between the Alleghanies and the Mississippi, was to be erected into a sort of "buffer state," an independent Indian territory of which the eastern half was to be under the "protection" of the United States, and the western half under the "protection" of Spain. It was the announcement of these designs, coupled with evidence of the want of frankness—to say the

least—in the proceedings of Vergennes and his subordinates, that led the American commissioners to adopt the bold step of disregarding their instructions and of carrying through their negotiations with Great Britain without consulting the French government.

When the signature of the provisional articles was announced, and it was learned that Great Britain had agreed not only to recognize the United States, but to admit their right to share in the fisheries, and to bound their territory on the south by the Floridas, on the north by the great lakes, and on the west by the Mississippi, France accepted the result after a good deal of vigorous grumbling. But whether Spain would accept it, no one could tell. She certainly did not do so quickly or willingly. The Spanish court had never expected that Great Britain would make such extraordinary concessions, and when the news reached Madrid surprise and chagrin were everywhere apparent. The general resentment even extended to the conduct of the French government, which was thought to have acted with "precipitation" and was accused of having induced the American commissioners to treat separately in the hope of forcing Spain to peace.<sup>1</sup>

These insinuations against the good faith of France were unfounded, but it was none the less true that the signing of the provisional articles by Franklin and his colleagues did compel both Spain and France to stop the war. The news of Rodney's victory in the West Indies showed that there was no hope in that quarter. The siege of Gibraltar had been raised. France was in grave financial difficulties. Spain was helpless if left to herself. It was plain that there was nothing to do but to take the best terms that could be secured, and accordingly on January 20, 1783, the preliminary articles of peace were signed between Great Britain on the one hand and France and Spain on the other. By this treaty, France in the main reverted to the *status quo ante bellum*. Spain, on the contrary, gained greatly. The island of Minorca and the Floridas,—without troublesome definition of their boundaries,—were restored to her. Never had her colonial possessions been so great as in this last hour before her utter weakness became so strikingly apparent.

A month after the conclusion of peace, Spain consented, although still grudgingly, to recognize the independence of the United States. Even this concession was obtained only through the persistence of Lafayette, who visited Madrid in February, 1783. He found the Spanish court still full of resentment at the success of the Americans. The Spaniards feared the example in their own colonies. They would not even speak about the navigation of the Mississippi.

<sup>1</sup> *Diplomatic Corr. of the Amer. Rev.*, VI. 184.

They wished there was no such place as North America. They could see no need for haste in recognizing the United States. They would make no definite promise about the adjustment of the boundary of Florida. All that Lafayette could secure was an assurance that an American *chargé d'affaires* should be received "immediately;" but tremendous difficulties as to the etiquette of presentation at court still remained to be overcome, and it was several months after Lafayette had left Madrid before the recognition of the United States was finally and formally effected.<sup>1</sup>

During the succeeding years the question of the Mississippi was becoming increasingly important for the people of the United States. The rough and dangerous roads which led back to Virginia and Pennsylvania afforded no outlet for the products of the western settlements. Then and for half a century later, the only safe road to market was along the Mississippi; and as long as this road could not be travelled the growth of these fertile regions was effectually checked. For this reason, Jefferson regarded the possessor of New Orleans as our "natural and habitual enemy." The Spaniards at New Orleans had closed the gate to the commerce of Kentucky, and below their outposts no boat could descend the river without Spanish permission. Nevertheless, such was the force of the migratory movement, that the population of Kentucky and the Northwest Territory had grown from a few hundred in 1775 to perhaps twenty-five thousand in 1782. The census of 1790 showed a population of over 110,000. And these figures were to be multiplied nearly four fold in the next ten years.

Meanwhile, the government of the United States did not relax its efforts to get the Spanish questions settled. In 1787 Jay, who had become Secretary for Foreign Affairs, renewed in New York the negotiations which had proved so fruitless in Madrid and in Paris; but still the Spanish authorities refused even to discuss the navigation of the Mississippi. The "concluding answer" of their agent always was that the King would never yield that point, for it had always been and continued to be "one of their maxims of policy to exclude all mankind from their American shores." And it was Jay's deliberate opinion that the opening of the river to American commerce could never be secured except as the result of an aggressive war.<sup>2</sup> Nevertheless, Congress refused to abandon, even temporarily, what it asserted as "a clear and essential right," and the negotiation was suspended to await a happier opportunity. Nor was the opportunity long delayed; for events in Europe were destined soon to exercise a surprising influence on the final diplomatic result.

<sup>1</sup> *Diplomatic Corr. of the Amer. Rev.*, VI. 256-258, 663-667.

<sup>2</sup> *Diplomatic Corr. 1783-1789*, III. 209-215.



The death of Charles III. of Spain in December, 1788, effected a very real change in the Spanish government. For nearly thirty years he had reigned—a benevolent despot, a patron of the arts and of science, an enlightened supporter of the Roman church, and a complete master of his household as well as of his kingdom. His son, who succeeded under the name of Charles IV., had all the virtues and all the peculiarities of his father's house, but so distorted that the likeness became caricature. Like his predecessors, he found his chief amusement in shooting the game that abounded near Madrid; but the love of sport had degenerated with him into a mania that left him no leisure for other occupations. Like his father, he was an excellent husband; but his constancy and devotion not only led him to permit his wife to assume the responsibilities of the throne, but they blinded him to the notorious conduct which made her the talk of Europe. He was kind, religious and well-meaning. His reign began less than six months before the beginning of the French Revolution, and he was so unfortunate as to be utterly lacking in the clear vision and strong character which alone would have enabled him to steer a steady course in the troubled times of the next thirty years. His father—whose stronger nature had greatly impressed him—had allowed him little share in the government; and although forty years of age when he came to the throne, he was quite without views of his own and had no other thought or desire than to continue his father's policy and to lean on his father's advisers. Indeed, the dying recommendation of Charles III. had been a charge to his son to retain Florida Blanca in his service.

Florida Blanca, on his part, stood much in need of the royal support. In his long career he had created many enemies, whose hopes of overthrowing him were encouraged by the beginning of a new reign. Aranda, the ambassador in Paris, the freethinking friend of the milder revolutionists, led the opposition. He was secretly supported by the Queen, who was anxious to get power into her own hands. But Florida Blanca might long have retained his post if a more powerful rival than Aranda had not made his way into favor. Don Manuel Godoy, when Charles IV. came to the throne, was a young gentleman of the king's guards, just turned twenty-one, who, possessing neither education nor fortune, was blessed with a handsome face, good health, pleasant manners and an amiable temper. His personal charms proved a sufficient reason for dismissing the old servants of the crown and putting him at the head of the Spanish empire. Except in the Grand Duchy of Gerolstein his career is without a parallel. In a little over three

years he had become a general, a duke and prime minister of Spain ; and in three more he assumed the title of prince, after exhausting all the other honors the monarchy could bestow.

The advancement of Godoy kept pace with the march of events in France. It seems to have been at about the time of the fall of the Bastille that he first attracted the Queen's attention, and he was made prime minister less than three months after the day when the storm of insurrection swept Louis XVI. from his throne. Godoy on taking office found Spain hesitating on the brink of war. Diplomatic relations with France had been finally broken off when the French royal family had been imprisoned, but yet Spain, like England, refused to take the last step. The execution of the King put an end, however, to doubts and hesitancy, and early in 1793 war was declared both by England and by Spain.

The neighbors and avowed enemies of the United States, the possessors of Canada and Louisiana and the Floridas, were thus united in a common cause, and the times seemed unpropitious indeed, for a settlement of the vexatious and urgent foreign questions which so sorely perplexed the young nation. So far as our relations to Spain were concerned, the main topics to engage attention had been three :

*First*, and most important, the opening of the Mississippi ;

*Second*, the settlement of the Florida boundary ;

*Third*, the regulation of commerce.

To these were now to be added the irritating subject of Indian aggressions, and the claims of certain American citizens for illegal captures by Spanish privateers.

This difficult diplomatic situation was aggravated by the impatience of the western settlers and their avowed hostility towards the Spaniards, and still more by the effort of the French government to turn these sentiments to account. The trans-Alleghany region had indeed been for years a field for obscure intrigue by the minor agents of Great Britain and Spain, as well as of France. The conditions invited it. The discontent of the settlers with their political surroundings and with their dependence on the East, had led to loud and vehement threats of secession. From Detroit came hints of sympathy and help, conditioned only on a return to the allegiance of His Britannic Majesty. More substantial inducements were offered by New Orleans. Some of the principal citizens received bribes, and in 1789 the Spaniards went so far as to grant licenses to trade down the Mississippi—perhaps in the expectation that such a favor, granted and then withdrawn, would prove the strongest argument for a dependence upon the favor of Spain.

These licenses did not permit exportation of American produce from New Orleans, nor importation from abroad, and rightly enough the settlers along the Ohio were not satisfied at getting as a revocable favor only a part of what they claimed as their undoubted right. Upon the back of this great and permanent grievance of the closed Mississippi, came the widespread Indian warfare, which there was ample reason to believe was instigated by the authorities in Louisiana.

It was this condition of the public mind—irritation at the inactivity of the Federal government, irritation at the closure of the Mississippi, irritation at the irrepressible Indian outbreaks—that furnished the opportunity for Genet and his agents in the West.<sup>1</sup> The Spanish officials on their part seemed also bent on picking a quarrel, so that by the summer of 1793 Washington and his advisers were forced to the conviction that war with Spain was inevitable.

The American *chargés d'affaires* in Madrid had been instructed at the time of the Nootka Sound troubles to press for a settlement of the Mississippi question, but they had been unable to accomplish any result. They now again attempted to reopen negotiations, but they could find no disposition on the part of the Spanish Court to yield any of the points in dispute. They were told flatly that the King would never permit the United States to share the navigation of the Mississippi, and that the proposed boundary of the Floridas along latitude 31° was "extravagant and unwarrantable." Nor were events in Europe during the summer of 1793 such as to encourage hopes of increasing friendliness. In the Pyrenees, the Spanish forces had been uniformly successful. Hood at the head of the combined English and Spanish fleets had occupied Toulon. The cause of the French Republic seemed desperate, indeed, and the excesses of the Reign of Terror mere symptoms of approaching dissolution.

But as the year drew to its close, the American *chargés* were surprised to observe a different tone in the Spanish Foreign Office. Godoy himself, with characteristic good humor, took up the matter of the Indian aggressions and settled it to the satisfaction of the American government. He expressed disapproval of the conduct of the Spanish agents in America, and he declared that the question of the Florida boundary should be settled "with the utmost dispatch."<sup>2</sup>

A change so marked may well have been caused by the changed

<sup>1</sup> See "The Origin of Genet's projected Attack on Louisiana and the Floridas," *AMERICAN HISTORICAL REVIEW*, III. 650 (July, 1898).

<sup>2</sup> *American State Papers, For. Rel.*, I. 439.

aspect of the war. In the months between September and December, 1793, the French government had displayed extraordinary energy. Carnot had organized victory, and the fruits of his efforts were becoming visible. On the very day upon which Godoy wrote his friendly assurances, Toulon was evacuated by the allies.

Almost at the same moment the Third Congress met in Philadelphia. Washington had been greatly harassed, not only by the hostile attitude of Spain and England, but by the too exuberant affection of France. It was therefore in no very amiable temper that he addressed a special message to Congress on the subject of Spanish affairs. He submitted the correspondence of the past three years, and he pointed out that the acts and declarations of the Spanish agents in America left little doubt of their desire to urge on a quarrel. His only uncertainty was whether they truly represented the views of their sovereign. Upon this point he expected shortly to be enlightened.<sup>1</sup>

Four months elapsed before news came of the more friendly attitude of the Spanish court. On April 15, 1794, the President laid before Congress, without comment, the later correspondence with Godoy; and Congress resolved that in view of the pending negotiations, no steps should be taken looking to war.<sup>2</sup> But though Congress was inclined to peace, it could not restrain the effervescent energies of the West. All that spring the Spanish *chargés* in Philadelphia were kept in a state of perpetual agitation over reports of expeditions about to be undertaken under French leadership. Now it was a force of hundreds of cavalry that was to start from Georgia for the conquest of the Floridas. Now it was a huge expedition under George Rogers Clark that was to set out in flat-boats from the falls of the Ohio, to open the Mississippi once for all. There was a foundation for all these rumors, and it is by no means impossible that if substantial French aid could have been given, and if the Federal government had been willing to wink at such enterprises, important and lasting results might have been effected; but in the absence of French naval support, and in the face of Washington's steady determination, all such attempts were bound to fail.

The news of the projected attacks on the Spanish colonies, and of the distrustful attitude of Washington's administration, reached Madrid in the summer of 1794, at a time when difficulties nearer home were becoming extremely serious. The inglorious result at Toulon had reawakened all the traditional Spanish distrust of England, and the opening of the campaign on the French frontier had

<sup>1</sup> Message of December 16, 1793.

<sup>2</sup> *Amer. State Papers, For. Rel.*, I. 432, 448.

proved decidedly unpropitious. The good will of the United States under these threatening circumstances, began to seem better worth cultivating, and the Spanish *chargés* in Philadelphia were instructed to call the attention of the American government to the lack of progress in the pending negotiation, and to suggest that the business might be expedited if a special envoy was sent to Madrid.<sup>1</sup> Accordingly, as soon as Congress met, the President sent in the nomination of Thomas Pinckney of South Carolina—then United States minister in London—to be envoy extraordinary in Madrid. There was no delay in confirming the nomination, and full powers were made out authorizing Pinckney to treat of the navigation of the Mississippi and of all other matters in dispute between the United States and Spain. His commission was dated November 24, 1794. On that same day John Jay in London wrote to James Monroe in Paris that a treaty between the United States and His Britannic Majesty had just been signed.

Meanwhile, events on the Spanish border were not standing still. The adverse results of the first engagements of the campaign had been repeated, the Spanish forces sustaining an unbroken series of defeats. The seat of war was transferred from French to Spanish territory, and at the close of the year the Republican troops went into winter quarters holding strong positions both in Aragon and Catalonia.

In his distress Godoy again turned to the United States. Early in the autumn Monroe, the American minister at Paris, was asked to obtain permission for a Spanish agent to visit France—but he very properly declined to be drawn into what looked like an intrigue. He therefore contented himself with laying the request before the Committee of Public Safety—explaining at the same time with entire frankness the unpleasant relations existing between the United States and Spain. He also endeavored to interest the French government in the question of the Mississippi, and he received from them some vague promises that they would try to use their influence, when settling terms of peace, to secure for the United States the points in controversy. It is uncertain whether such efforts were ever really made, and at any rate the only visible result of Monroe's intervention was that Bourgoing—a former ambassador from France to Spain—was sent to the Pyrenees to begin *pourparlers* with the Spanish representatives.<sup>2</sup>

Godoy was not quite satisfied with this mere passive agency, especially when Prussia made peace with France in the spring of

<sup>1</sup> Trescot's *Diplomatic History*, pp. 238–245.

<sup>2</sup> *A View of the Conduct of the Executive*, etc., p. 137.

1795. He therefore made advances to Short—now the sole *chargé d'affaires* of the United States at Madrid—with a view to getting the American minister at Paris to treat directly with the French government. Monroe was to play the rôle at Paris which M. Cambon played in 1898 at Washington. It was Godoy's "real and sincere wish," according to Short, to conclude immediately a treaty with France; but he desired to conduct the negotiation in such a manner "that there should be no suspicion of it on the part of England, or the least possible ground of suspicion, until the conclusion and ratification of the treaty." If the French government preferred to send a confidential agent to Madrid, Godoy suggested that the agent should pass as an American. At the same time he gave Short "the fullest assurances" that all the matters in controversy should be "settled to the satisfaction of the United States."<sup>1</sup> A few days earlier the Spanish *chargé d'affaires* in Philadelphia had submitted to the Secretary of State some suggestions for a treaty, but had explained that he was without authority to do more.<sup>2</sup>

Such was the condition of affairs when, on June 28, 1795, Pinckney arrived in Madrid. He was quickly made familiar with the peculiar obstacles to the transaction of business which were created by the habits of the Spanish court. When he reached the capital the court was at Aranjuez, where Pinckney followed and where he was introduced to Godoy. Four days later the court was back in Madrid and Pinckney formally presented his credentials; but the King was there for ten days only, and "of course, everything was in a kind of hurry and confusion unfavorable to business." From Madrid the court removed to La Granja, and three months later to the Escorial; and wherever they went, the American minister was obliged to follow.

At the first interview between Pinckney and Godoy the usual suggestions of delay were made. The Spanish government, it was said, before proceeding further, wished to hear from Philadelphia what answer would be made to the terms which its representative had been instructed to propose. Pinckney replied by producing the letter from the Spanish *chargé*, in which the latter distinctly said he had no power to propose anything. Godoy's next suggestion was that there should be a triple alliance between the United States, France and Spain, and that there should be a joint negotiation between the three powers. This suggestion Pinckney refused even to discuss. He also positively refused a proposition that the United States should guarantee the Spanish possessions in America, at which refusal Godoy "appeared much mortified."

<sup>1</sup> *Amer. State Papers, For. Rel.*, I. 716.

<sup>2</sup> Trescot's *Diplomatic History*, pp. 245-247.

Godoy was evidently trying to gain time, and Pinckney was at some loss to understand his motives. It was Pinckney's impression that the French government had urged Spain to acknowledge the American rights, and he feared that his mission would fail unless our controversy with Spain was settled before peace was concluded with France,—an event then obviously close at hand. The growing uneasiness of the West seemed another reason for haste. He determined therefore, as he wrote to the Secretary of State, "to urge the decision as strongly as propriety and attention to my instructions will permit."

On the eighth of August, no apparent progress having yet been made, Pinckney learned to his alarm that a treaty of peace had actually been signed with France. Doubtless to his surprise and relief, this event, so far from impeding, seemed really likely to hasten the negotiation, for on the next day Godoy promised that "the business should be very speedily settled to our satisfaction,"—and said that the King had made up his mind to sacrifice something of what he considered his rights, in order to testify his good-will to the United States. These liberal assurances gave Pinckney new notions as to the motives of the Spanish government. "My present opinion," he wrote, "is that *the new position of Spain with respect to England* will induce them to come to a decision with us."

Thenceforward the negotiation began to move with reasonable promptness. About the 29th of August Pinckney presented the draft of a treaty. On the 20th of September he received a counter-project, to which he made only two serious objections. He insisted upon having a definite arrangement for a place of deposit at or near New Orleans, so that American goods might be freely shipped from river boats to sea-going vessels, and *vice versa*. And he insisted that the American claims for captures of vessels should be arbitrated. As to the right of deposit, Godoy replied that the King would only permit the landing of goods in the custom-house at New Orleans "on paying the storage dues to which his own subjects are subjected," and that this arrangement he would not "vary in the least." As to captures of vessels he was equally positive. He would never sign the treaty unless the questions were to be judged by the Spanish courts.

Finding that Godoy persisted, especially on the right of deposit, Pinckney took what seemed to him the only way of ending the negotiation. On the 24th of October he wrote that as important affairs demanded his return to England, he would on the next day take leave of their Majesties, and that he would "be charmed to execute the orders" with which the Prince of the Peace might

honor him for any place on the road. Three days later the treaty was signed.<sup>1</sup>

By its terms, Spain yielded everything the United States had asked. The Florida boundary line was fixed on the line of latitude 31°; the navigation of the Mississippi "in its whole breadth from its source to the ocean" was made free to the citizens of the United States; a right of free deposit was granted at New Orleans; a mixed commission was constituted to settle claims for captures; Indian hostilities were to be restrained; and liberal regulations were agreed upon touching the rights of neutrals, including the vital principle that "free ships make free goods."

The Spanish government had thus placed itself in the unheroic position of Donna Julia:

"A little still she strove, and much repented,  
And whispering 'I will ne'er consent'—consented."

The fundamental policy of a long line of Spanish statesmen had been abandoned; and foreign observers enquired curiously as to the motives which had prompted the making of such concessions—concessions which Talleyrand thought were certain to produce the worst effects on the political existence of Spain and on the preservation of her colonies.<sup>1</sup> Obviously enough, fear of England was the moving cause. So long as their Catholic and Britannic Majesties were in harmony, there was no hint of any favor to the United States. But just in the measure that the French forces were successful against Spain, so Spain began to be friendly toward America. And finally, when peace with France brought about the certainty of a war with England, the American claims were yielded in full. The further conclusion was inevitable, that the Spanish court must have been actuated by dread of a British attack on Louisiana by way of the Mississippi. An attack by mere filibusters from Kentucky, unsupported by a naval force at the mouth of the river, was not a very serious military menace; but a descent from Canada and Kentucky combined, backed by the power of the British navy, was a prospect not lightly to be disregarded. Such a prospect acting on the mind of a man like Godoy—a man ignorant of the long cherished policy of his predecessors and without fixed principles of his own—whose measures, as Pinckney said, were "adopted from the fluctuation of occurrences and not from system"—might well have induced compliance with anything America saw fit to ask. His mind, moreover, was greatly excited over the ending of the war with France.

<sup>1</sup> See Pinckney's correspondence in *Amer. State Papers, For. Rel.*, I. 533-549.

<sup>2</sup> Adams's *Hist. of the U. S.*, I. 356.



He regarded it as an enormous achievement, due to his own skillful management of affairs, and he was probably in that happy state of temper where he could refuse no reasonable request civilly urged. But he was quite able to see clearly that Spain could not long continue at peace with both France and England, and he thought he could provide for the coming war by purchasing the continued neutrality of the one great neutral maritime power, and by converting the western settlements of the United States into a barrier against attack by land.

And so the varying fortunes of the wars of the French Revolution, the weakness of the King of Spain, the infatuation of the Queen, the levity and ignorance of the favorite, all worked together to open to civilization that vast region of the United States which then depended for its very existence upon the free navigation of the Mississippi.<sup>1</sup>

An interesting question remained, as to what effect, if any, Jay's treaty with England had had upon the course of Pinckney's negotiations. Pinckney himself, who had the best means of knowing, seems to have thought that the Spanish government apprehended, as a result of Jay's treaty, a joint declaration of war by the United States and Great Britain against France and Spain. In this view,

<sup>1</sup> Godoy's statements are always to be received with much caution, especially when he speaks of his own motives, but as his assertions relative to Pinckney's treaty correspond with the evidence from other sources, they may probably be relied upon. After giving some account of Florida Blanca's policy—which, he says, was to postpone any settlement with the United States while intriguing for the secession of Kentucky—Godoy continues: "C'est en cet état qu'à mon arrivée au ministère je trouvai la négociation, dans laquelle le Gouvernement américain donna beaucoup de preuves de sa franchise et de sa modération. La guerre étant presque aussitôt survenue, entre l'Espagne et la République française, un nouvel incident fit craindre pour la Louisiane une grave commotion. L'envoyé français avait l'ordre secret de révolutionner la colonie et la ramener sous les lois de ses anciens possesseurs. Il comptait sur l'appui des états limitrophes; il enrôla des soldats, souleva presque tout le Kentucky, et le Tennesseé; il promit à ceux-ci la liberté du fleuve et une partie de la conquête de la Louisiane; il insulta Washington, foulant aux pieds tous les droits, toutes les convenances. La sage fermeté de cet illustre président et l'attitude sévère du Congrès déjouèrent les plans du diplomate révolutionnaire. Cet homme turbulent fut rappelé sur la demande du Gouvernement Américain. Mais les menaces et les criailleries des provinces de l'Ouest ne cessèrent pas; on persistait à demander la navigation du fleuve et la fixation des limites.

"Je sentais la justice, la force des raisonnemens allégués par les Américains. La politique, la tranquillité de la Louisiane, la sûreté de ces mers, la nécessité de se prémunir contre une attaque éventuelle de l'Angleterre à l'instant où elle ne serait plus notre alliée, la reconnaissance envers le Gouvernement des États-Unis, dont la conduite avait toujours été si loyale et si modérée, ces divers motifs me déterminèrent à faire approuver par le Roi un traité que je ménageai fort heureusement avec l'excellent citoyen Thomas Pinkney [sic]."

Godoy adds, what is certainly untrue, that it was fully agreed with Pinckney—though not expressed in the treaty—that in the event of a British attack on Louisiana, the United States would intervene in favor of Spain. See *Mémoires du Prince de la Paix*, III. 36.

Hamilton seems to have shared.<sup>1</sup> On the other hand, Monroe was of the opinion that Pinckney's success was due to the fact that he had reached Madrid at a time when we were believed to stand well with France, and when France supported our claims; and that if Pinckney had arrived a few months later, after France had seen Jay's treaty, and adopted her hostile policy to the United States in consequence of it, the mission would have failed.<sup>2</sup>

Godoy's official utterances supported Monroe. On May 6, 1797, the Spanish minister to the United States, in an angry official note, declared that he was instructed to express the astonishment of his government at discovering that engagements with England had been contracted under Jay's treaty, which were not only prejudicial to the rights of His Catholic Majesty and to the interests of his subjects, but which had been actually entered into "nearly at the same time" that the King was giving such generous proofs of his friendship by the treaty of October 27, 1795. These accusations were merely a part of the effort that Spain was then making to evade fulfilment of the latter treaty, but the pretense of surprise was ludicrously unsupported by evidence. The fact was that the text of Jay's treaty had been published in Philadelphia in July, and had reached France in August, 1795. It was therefore impossible to suppose that the Spanish Foreign Office should not have had a copy by October 27, 1795; or at least before April 25, 1796, when the ratifications of Pinckney's treaty were exchanged. And indeed the American Secretary of State, apparently on Pinckney's authority, explicitly averred that a copy of Jay's treaty was actually in Godoy's hands during the negotiations.<sup>3</sup>

Godoy unofficially, forty years later, said that Jay's treaty was what chiefly influenced his conduct. He had been vexed, he said, at the conduct of the British cabinet in secretly negotiating a treaty with the United States which gave great opportunities for ill-will, and afforded a chance of injuring Spain in her distant possessions; and he endeavored to make another treaty with these same States and had the satisfaction of succeeding.<sup>4</sup> Both of Godoy's assertions could not be true, but the discrepancy is no less inexplicable than the acts of his administration in respect to the execution of Pinckney's treaty. After deliberately agreeing to surrender all of the east bank of the Mississippi north of latitude 31°, a settled purpose was manifested—no doubt under pressure from France—to refuse to carry

<sup>1</sup> Winsor, *The Westward Movement*, p. 556.

<sup>2</sup> *A View of the Conduct of the Executive*, p. 203.

<sup>3</sup> *Amer. State Papers, For. Rel.*, II. 16.

<sup>4</sup> *Mémoires du Prince de la Paix*, I. 342.

out the arrangement. But then, just as Godoy was about retiring from office in consequence of French intrigues, orders were given for the surrender of the Spanish posts.

The recklessness and indifference of Godoy, and the lax organization of Spanish public offices, may perhaps furnish the key to conduct so mysterious; and it is much to be hoped that researches in the unpublished sources of Spanish history may throw some further light upon the details of a diplomatic episode which had such far-reaching consequences for the people of the United States.

G. L. RIVES.